

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 23, 1943

The City Council convened in Regular Session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, September 23, 1943, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Walter E. Seaholm, Acting City Manager, J. E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of September 16, 1943, and the Recessed Meeting of September 20, 1943, were read, and upon motion of Councilman Alford were adopted as read by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The following applications for private boat licenses, duly approved by the Lake Austin Navigation Board, were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Donovan, Mrs. John B. - 2212 Newfield Lane	Wolverine, Outboard, 1938 Model, "Danny," Johnson, 5-passenger
Perry, A. L. - - Police Department, City Hall-	Welch, Outboard, 1937 Model, Johnson, 5-passenger
Schneider, Jack - 1500 Travis Boulevard	Dixie, Outboard, 1938 Model, Evinrude, 6-passenger

Councilman Bartholomew moved that the foregoing applications be granted. The motion carried by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The application of DELMER WOODY CARROLL, 2119 Brackenridge Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The application of WELLER MCCOY MOORE, 1912 East 2nd Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The application of THOMAS STIGALL HAYS, 93 Rainey Street, for a renewal of his taxicab driver's permit, duly approved by the Acting City Manager, et al, was submitted. Councilman Bartholomew moved that the renewal be granted. The motion carried by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The application of FRANKS PLACE, 105 East 7th Street, for a beer and wine permit, duly approved by the Acting City Manager, et al, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The application of TOWN TAVERN, 803 Red River Street, for a beer and wine permit, duly approved by the Acting City Manager, et al, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

Councilman Gillis offered the following resolution:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager, or in his absence the Acting City Manager, be, and he is hereby authorized and directed to execute for and in behalf of the City of Austin a contract of sale to Hugh Fields and

wife, Irma Fields, agreeing to sell the following described property:

All of Lot 6, and the East 11 feet of Lot 5, in Block 5, in O'Reilly's Subdivision of Outlot 38, Division B, in the City of Austin, Travis County, Texas, and more fully described in said contract of sale,

for a consideration of \$1200.00, payable \$350.00 cash and the balance in monthly installments of \$20.00 each; and the City Manager, or in his absence the Acting City Manager, is hereby authorized and directed to execute for and in behalf of the City of Austin a special warranty deed to said Hugh Fields and Irma Fields conveying the above described property upon payment in full of said consideration, all in accordance with the terms and conditions of the contract of sale, a copy of which is attached hereto and made a part hereof for all purposes.

(Copy of Contract Attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS:

THAT this CONTRACT entered into on this the ___ day of _____, 1943, by and between City of Austin, a municipal corporation, situated in Travis County, Texas, hereinafter referred to as the Seller, and Hugh Fields and wife, Irma Fields, of Travis County, Texas, hereinafter referred to as Purchaser, WITNESSETH:

Seller agrees to sell and Purchaser agrees to buy for a consideration of Twelve Hundred Dollars (\$1200.00) the following described property:

All of Lot No. Six (6), and the East eleven (E.11) feet of Lot No. Five (5), in Block No. Five (5), in O'Reilly's Subdivision of Outlot No. Thirty-eight (38), in Division "B", in the City of Austin, Travis County, Texas, according to a map or plat of said Subdivision of record in Plat Book 1, page 39, of the Plat Records of Travis County, Texas; and being the same property conveyed by E. F. Toliver to Katie Toliver, by deed dated June 19, 1915, recorded in Volume 275, pages 287-288, of the Deed Records of Travis County, Texas.

Payment of the aforesaid consideration of \$1200.00 to be as follows: Three Hundred and Fifty Dollars (\$350.00) cash upon execution of this agreement, the balance payable Twenty Dollars (\$20.00) a month on or before the 5th day of each month thereafter, the unpaid balance to bear interest at the rate of six percent (6%) per annum, payment each month to be applied first to the payment of interest and the balance to the principal.

Failure of Purchaser to make any payment as herein provided shall authorize Seller, at its option, to terminate this contract, retaining as liquidated damages Purchaser's payments made hereunder, and upon such termination Seller shall be entitled to immediate possession of said property.

Upon payment in full of said consideration, the Seller agrees to deliver to the Purchaser a special warranty deed duly acknowledged, conveying all the right, title and interest the City of Austin acquired to the aforesaid property by virtue of a Sheriff's deed for taxes dated the 4th day of November, 1926, and recorded in Volume 404, pages 138-140, of the Deed Records of Travis County, Texas, and a Sheriff's deed for taxes dated the 24th day of November, 1928, and recorded in Volume 430, pages 386-387, of the Deed Records of Travis County, Texas.

Seller agrees to apply a sufficient amount of the aforesaid consideration as it is received to the payment of delinquent ad valorem taxes, penalty, interest, and costs of suit now owing on said property to fully pay off said delinquent taxes, penalty, interest and costs of suit.

Purchaser assumes payment of taxes for the year 1943, and agrees to pay taxes each and every year thereafter as they accrue until the consideration mentioned herein is fully paid, and Purchaser agrees to keep the improvements on the property described above insured against loss by fire in at least the sum of \$_____, and against loss by tornado and windstorm in at least the sum of \$_____, in a company or companies acceptable to the Seller. Failure of the Purchaser to pay taxes and keep the improvements insured as provided above, or to do either or both of said things, shall authorize the Seller, at its option, to terminate this contract retaining as liquidated damages Purchaser's payments made hereunder, or Seller may, if it so elects, pay taxes and keep the improvements insured, and pay insurance premiums, and the sums of money so paid by Seller shall be added to the total consideration expressed herein, and shall bear interest at the rate of six percent (6%) per annum.

WITNESS OUR HANDS, this ___ day of _____, 1943.

CITY OF AUSTIN

By _____
Acting City Manager

Attest:

City Clerk

(Notary Public Acknowledgments of: Walter E. Seaholm, Acting City Manager: and Hugh Fields and wife)

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: "Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

A petition, signed by approximately two hundred Negro citizens, asking that a telephone be installed on the grounds of Evergreen Cemetery, was received; and the matter was referred to the Acting City Manager to have the matter attended to.

A resolution of the Austin Real Estate Board, presented by A. H. Osburn, secretary, opposing any contemplated defense housing project for the City of Austin, but indorsing the building of homes for owner occupancy, was received and ordered filed.

It was the sense of the meeting that the Mayor be authorized to write a letter to the Office of Price Administration advising that a public hearing was held on the request of the dairymen for an increase of one cent per quart in the retail price of milk, at which hearing there were no objectors present; and urging that the request be granted.

The following report of the Board of Adjustment was received and ordered filed:

"Austin, Texas
September 21, 1943

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on September 14, 1943, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. E. M. Bohls requesting an extension of the present "C" Commercial District/ to include the following property:
and Second Height and Area District

All that property extending 103 feet north from the present "C" Commercial District along East Live Oak Street, between the present "C-1" Commercial District along South Congress Avenue and the east line of Lots D and E of Goodshade Addition, all as outlined in red on the attached sketch,

and

WHEREAS, the Board of Adjustment carefully considered this application and viewed the site to determine the conditions surrounding the property, and otherwise considered the matter in the light of fundamental zoning principles; and

WHEREAS, it was disclosed that Nickerson Street, a dead-end street which formerly extended through the appellant's property, has been closed and vacated by the City Council and this property is now included in that occupied by the appellant; and

WHEREAS, the closing of this street left two lots included in the appellant's property without direct access to a street; and

WHEREAS, the appellant affirmed that he now has tourist cottages located on the property in the "C-1" Commercial District and also on that portion between the former Nickerson Street and this commercial district, and that he proposes to develop the remaining portion of his property in the same way, and desires the change to permit this construction; and

WHEREAS, Nickerson Street would in all possibility never be opened through to East Live Oak Street since the intervening property is occupied by tourist cottages; and

WHEREAS, the Board deemed that the extension of the present "C" Commercial District would be the logical designation of this property owing to the existing development on the west portion and the impossibility of the east portion being developed for other uses since the street was vacated; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the proposed extension of the "C" Commercial District be, and is hereby, recommended to the City Council for the above reasons.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman.

Councilman Bartholomew moved that a public hearing on the foregoing proposed change in zoning be called for October 14, 1943, at 11:00 A. M. The motion carried by the following vote: "Ayes,"

Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "Nays," none; Councilman Wolf absent.

The Mayor submitted to the Council a letter from Colonel L. L. Sailor, Commanding Officer at Bergstrom Army Air Field, inclosing a letter sent to Commanding Officers of surrounding Air Fields instructing that low flying over the City be discontinued,

The City Engineer submitted a proposal for certain changes in the flying pattern at the Municipal Airport in order to eliminate considerable noise and trouble. The matter was referred back to the City Engineer to work out with the CAA.

A Proclamation by the Mayor proclaiming the week of September 26-October 3 as "THIRTEENTH ANNUAL RELIGIOUS EDUCATION WEEK," was approved.

There being no further business, upon motion seconded and carried, the meeting was recessed at 11:10 A. M., subject to call of the Mayor.

APPROVED: Tom Miller.
MAYOR

ATTEST:

William H. Keller
CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 30, 1943

The City Council convened in Regular Session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, September 30, 1943, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Gillis, and Mayor Miller; absent, Councilmen Bartholomew and Wolf.

There were present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; and R. D. Thorp, Chief of Police; and J. M. Patterson, Jr., Acting City Attorney.

The minutes of the Regular Meeting of September 23, 1943, were read, and upon motion of Councilman Alford were adopted as read, by the following vote: "Ayes," Councilmen Alford, Gillis, and Mayor Miller; "Nays," None; Councilmen Bartholomew and Wolf absent.

Councilman Gillis offered the following resolution:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, the Acting City Manager of the City of Austin, be, and he is hereby, authorized and directed to execute for and in behalf of the CITY OF AUSTIN a quitclaim deed to E. C. BARRON, conveying all the right, title, and interest acquired by the City of Austin to Lot No. 5, Block 8, Outlot No. 3, Division "O", in the City of Austin, Travis County, Texas.